IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3702 OF 2004
IN
APPEAL NO.801 OF 2004
IN
WRIT PETITION NO.2120 OF 2004

The Municipal Corporation of Brihan Mumbai & Others .. Appellants.
V/s.
Dalamal Tower Premises Co-operative Society Ltd. & Others .. Respondents.

Mr.K.K. Singhvi with Mr.Vinod Mahadk i/b. S.N. Ujjainwala for the appellant.

Mr.Aspi Chinoy with Mr.D.J. Khambatta and Mr.M.S. Doctor i/b. Junnarkar & Associates for respondent Nos.1 and 2.

Mr.A. Sayed, AGP for State/respondent No.3.

CORAM : R.M. LODHA, &
J.P. DEVADHAR, JJ.

DATED : 23RD DECEMBER, 2004.

P.C. :

Heard.

2. Until disposal of the appeal, the following interim order shall remain operative.

i) The operation of the impugned order dated October 14, 2004 shall remain stayed.

ii) However, the appellants herein shall not take any steps for recovery of the amount on the basis of the revised enhanced assessment if the respondent Nos.1 and 2 file an undertaking before this court within four weeks from today that in the event of appeal being allowed; the impugned order of the learned single Judge being set aside and revised enhanced assessment being sustained, the said respondents shall make payment of due amount on the basis of the revised enhanced assessment within three months from the date of decision in the appeal unless ordered otherwise by the Supreme Court.

3. The notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)